

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

CRAIG E. HITE,

Plaintiff,

v.

Case No. 2:09-0778

COMMISSIONER JAMES RUBENSTEIN,
West Virginia Division of Corrections, and
WARDEN DAVID BALLARD,
Mount Olive Correctional Complex, and
SHERILLI SNYDER,
Mental Health Department M.O.C.C.,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Mary E. Stanley, United States Magistrate Judge, who submitted her proposed findings and recommendation on July 16, 2009, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). The magistrate judge recommends that the complaint be dismissed inasmuch as it fails to state a claim upon which relief can be granted and it is frivolous.

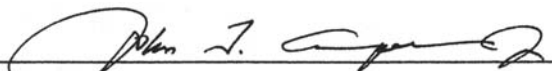
On July 22, 2009, plaintiff submitted further materials. In sum, he contends that certain medications that he

has been prescribed are causing him to do harm to his person in the form of self mutilation. These additional allegations appear to warrant further inquiry to determine if plaintiff has satisfied the rigorous applicable standard for relief under the Eighth Amendment. See Iko v. Shreve, 535 F.3d 225, 241 (4th Cir. 2008) ("The plaintiff must demonstrate that the officers acted with 'deliberate indifference' (subjective) to the inmate's 'serious medical needs' (objective).") (quoting Estelle v. Gamble, 429 U.S. 97, 104 (1976)).

Based upon the foregoing, the court, accordingly, ORDERS that this matter be, and it hereby is, recommitted to the magistrate judge for further development pursuant to the terms of the standing order entered in the case on July 7, 2009.

The Clerk is directed to forward copies of this order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: August 17, 2009



John T. Copenhagen, Jr.
United States District Judge